

# **EXHIBIT ‘E’**

**MARGARET TURNER WHETSTONE,**

[illegible]

**CIVIL ACTION NUMBER:**  
**3:05-cv-01171-MEF-SRW**

**Defendants.**

## SIXTH DEFENSE

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Defendant pleads intervening, superseding cause.

**SEVENTH DEFENSE**

Defendant pleads improper venue.

**EIGHTH DEFENSE**

Defendant pleads open and obvious.

**NINTH DEFENSE**

The defendant pleads lack of subject matter jurisdiction.

**TENTH DEFENSE**

The defendant pleads lack of personal jurisdiction.

s/ Elizabeth Jackson  
Elizabeth Jackson (JAC084)  
Attorney for the defendant, Fred's Pharmacy

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 19, 2005, I electronically filed the foregoing with the Clerk of Court using the CM/CEF system which I will send notification of such filing to all known counsel of record, including the foregoing.

Stewart G. Springer, Esq.  
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s/ Elizabeth Jackson  
OF COUNSEL